

MINUTES OF THE
Task Force on Learning Standards and Accountability in Public Education
November 8, 1999 - 8:00 a.m. - Room State 223 Capitol

Members Present:

Sen. Howard A Stephenson, Chair
Rep. Tammy J. Rowan, Chair
Sen. Karen Hale
Sen. L. Steven Poulton
Rep. Jeff Alexander
Rep. Kevin S. Garn
Rep. Karen W. Morgan
Rep. LaWanna "Lou" Shurtliff
Jill Kennedy
Kim Burningham
Lt. Gov. Olene S. Walker
Linda B. Ogden
Ila Rose Fife

Members Absent:

None

Staff Present:

Mr. Bryant R. Howe, Research Analyst
Mr. James Wilson, Associate General Counsel

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

Rep. Rowan called the meeting to order at 8:15 a.m.

1. Task Force Business

MOTION: Linda Ogden moved to approve minutes of the August 30, September 27, October 4, and October 25, 1999 meetings. The motion passed unanimously with Senator Poulton, Representatives Alexander, Garn, and Shurtliff and Lt. Gov. Walker absent at the time of the vote.

2. Review and Task Force Action on Draft Legislation and Other Documents

Sen. Stephenson discussed some of the public comments that were mailed to the task force prior to the meeting. Richard West, Center for the School for the Future, Utah State University, had mailed a written statement to task force members. Sen. Stephenson commended this document to the task force members for review. Also, a comment from an official in the Granite School District noted that the Education Week "Quality Counts" report card has letter grades, but for a variety of factors. That report also has letter grades for inputs and education quality.

Other public comments were in response to earlier drafts of the task force's recommendations, and the task force has addressed many of these concerns. Some persons expressed concern about labeling low performing schools. Sen. Stephenson said that it might be difficult to assist those schools without some way to identify schools that need interventions.

Senator Hale noted many of the responses imply an element of distrust on the part of teachers. She said that the task force needs to forge strong partnerships and that this element of distrust should not exist. The task force should do whatever it can to support and help teachers.

Linda Ogden said that promoting local models may be a good recommendation for the task force. There are many local models that the task force should support. Rep. Rowan noted that the task force could set goals, and then school districts can find the best way to meet those goals.

Mr. James L. Wilson, Associate General Counsel, distributed to the task force draft legislation entitled "Assessing and Improving Student Performance." He explained that this draft is only a beginning point for further task force discussion and action. This legislation provides for a Utah Student Performance Assessment System to provide evaluative information on student performance. It calls for new assessment tools in the areas of constructed response questions for the criterion referenced tests and a new direct writing exam for grades six and nine. The legislation also revises data indicators that are required to be reported by school districts. School districts would annually report school and district level test scores as well as a variety of data indicators related to overall school and student performance.

Superintendent Michael Bennett, Iron County School District expressed concerns about the task force's recommendations. He said that his school district has been piloting various school accountability systems for the last several years. Funding is a critical concern. He said that his district now spends \$1.5 million to meet unfunded state and federal mandates. This bill mandates new data tracking and that many of the data indicators are totally irrelevant and unimportant. The task force is now asking for an accreditation reports, not an accountability report. Staffs do not use accreditation reports. People need meaningful data. If school districts don't have choice in menu items, then school districts will not develop their own data indicators to meet local needs. The Iron School District tracks parent and student surveys. School ownership is important.

The superintendent emphasized that self evaluating is an important way to improve schools. When indicators are going downward, the school does ask for help and looks for ways to improve. Schools should not be penalized for being honest. Some of the data from schools is a lot worse than we think. For example, the Iron County School District tracks drop outs very carefully, and this data does not make the school district look good. The state should not mandate the collection of data as is included in the draft bill. The task force should recommend a menu of possible options, not a mandate.

The data indicators contained in the draft bill need to be aligned with performance. For example, by tracking the time missed for extra curricular activities, you assume that students who

miss classes due to extra curricular activities also have low grades. But this is probably not the case. Supt. Bennet said that the task force should make school districts accountable for meaningful things, that the current draft is too prescriptive, and that it will be met with resistance.

Senator Stephenson said that the additional data indicators contained in the draft bill were included at the suggestion of professional educators. These educators said that it is not fair to include not just test scores, without also including other factors.

Superintendent Bennett said that a menu is needed and that the task force should not require the reporting of the same indicators statewide. For example, the Iron School Districts tracks data indicators for children who are home schooled. His school district will lose some critical data that it now uses. Decide what you absolutely critically need to have. But don't require too many data indicators to be reported. Otherwise, you eliminate all local flexibility.

Steven Peterson, Executive Director, Utah Superintendents Association, told the task force that his organization believes that there is a growing polarization of opinion that must be resolved before any meaningful change can take place. Superintendents are seriously concerned about the implications of the task force's recommendations. He said that any recommendations coming from the task force should be based on the following principles:

1. Broad support of systemic change results from a consensus of support;
2. Local empowerment;
3. Gradual implementation;
4. Adequate fiscal resources are needed; and
5. Reward and recognition are provided for significant and verifiable accomplishments.

The task force should set correct principles and then let the local people get the job done. There is no evidence that "one size fits all plans" are effective. Local school boards have asked the Legislature to support and recognize local school board flexibility and oppose unfunded mandates. The task force should adopt a principle centered locally directed program.

Rep. Garn asked for specific comments on the draft bill. How should the draft bill be amended? Mr. Peterson said that the task force should adopt a principled centered approach, not a detailed approach. Rep. Garn replied that in his opinion the draft bill is a principled centered approach.

Mr. Steven C. Norton, Superintendent, Cache County School District told the task force that money is the most critical factor. The draft bill shows that the education community has not

been adequately reporting to the task force all of the good things that schools are doing. School districts should also track the commutative GPA of students who miss school due to extra curricular activities. He said that there is not a problem in this area. What the state can do that will make difference is to increase teacher salaries and improve teacher education.

Rep. Rowan asked if any additional money should be mandated for teacher development or should there be local flexibility. Supt. Norton said that in a state with limited resources, if the state does not provide this funding in categories, it will simply be spent on teacher salaries. This is hard issue for local superintendents.

Senator Poulton asked if the teacher's union is too strong to allow for local flexibility funding decisions. Superintendent Norton replied that if there is trust between teachers and administration, then salary negotiations can be productive. But school districts are in quandary because they also want to fund teacher salaries and other programs, but there isn't enough money for all the needs.

Lt. Governor Walker said that with the number of students related to available taxpayers, Utah will never lead the nation in per pupil expenditures. Dealing with realities, in that we have chosen to have one third larger families than other states, is there anything that we can do to help teachers feel comfortable? She said that most teachers are very dedicated. Where should the state put extra money? Should in be in salaries, testing and assessment, or teacher development? Where are local priorities? Superintendent Norton replied that he always tries to make decisions based on research and it shows that the most effective use of money is to improve teaching. Teacher development should be a high priority.

Kim Burningham said that the draft bill is a positive effort to implement the motion made at the last meeting. He said that it is important for the task force to remember that motion was a major compromise. Section 14 of the bill says that the task force will seek input and work to improve understanding of what the task force is doing. Many of the reactions that we are hearing are reacting to past recommendations. We should focus on the current proposal—where there is need of refinement and examination. It is important to remember that this bill will have a fiscal note and to create the tests will require significant support for the whole education system, not just the assessment program.

Lt. Governor Walker stated that the task force should involve teachers in the studies that it will undertake next year. Perhaps some subcommittees of the task force could include teachers as members. The success of the core curriculum is based on the fact that teachers were involved in its development.

Rep. Shurtliff said that the task force should remember what was said at the public hearings and by the local superintendents who appeared before the task force at its last meeting. The task force should not override local ability and initiative. It is important to focus on the child.

Jill Kennedy stated that the bill already has a large fiscal note. The current draft simply tells us where the system is. We may end up with a "so what" scenario. If the teachers get the information, but don't know what to do with it, it's "so what." Also, there needs to be funding for interventions. There is a large funding issue for assessment, funding interventions, and teacher training.

Senator Stephenson noted that the draft bill contains no standards. At the last meeting the task force voted to eliminate grading for this time. The bill requires reporting the reporting on a number of indicators, most of which are already in statute. For example, the Stanford Achievement Test and CRT results are all ready in place. The assessments that are being added are in place because of testimony from education professionals who argued for more authentic assessments. The draft bill contains what the professional educators have asked to be included in the assessment system.

Also, the professional educators have told the task force that you need additional information to help the public understand the whole picture on how a school is performing -- not just test results. The task force has listened to the public and has adopted the recommendations of professional educators.

Ila Rose Fife commented that it has been a privilege to serve on the task force. Several years ago, the Salt Lake City School Board made advocacy and high achievement an important policy goal. A survey of parents, teachers was done to evaluate schools, district staff, and the school board. The persons who responded to the survey were positive of their own schools, but the survey also found weaknesses. Based on the survey results, each school wrote a plan to raise student achievement. Now schools are accounting for what they are doing. Some schools are having great results. But additional funding was needed for professional development.

Representative Rowan asked for comment and suggested amendments to the draft bill.

MOTION: Representative Morgan moved the following amendment:

Page 1, Line 1: After "ASSESSING" insert "REPORTING AND EVALUATING"
 and after "AND" delete "AND IMPROVING"

The motion passed with Representatives Alexander and Rowan voting in opposition and Senator Poulton and Representative Garn absent at the time of the vote.

MOTION: Kim Burningham moved the following amendment:

Page 2, Line 44: After "be used" insert "to recognize excellence and"

The motion passed unanimously with Senator Poulton and Representative Garn absent at the time of the vote.

MOTION: Linda Ogden moved the following amendment:

Page 2, Line 39: After "Legislature" insert "the State Board of Education,"

The motion passed unanimously with Senator Poulton and Representative Garn absent at the time of the vote.

MOTION: Senator Stephenson moved the following amendments:

Page 2, Lines 55 - 56: Delete lines 55 and 56.

Page 3, Line 73: After "rates" insert "as defined by the State Board of Education"

The motion passed unanimously with Senator Poulton and Representative Garn absent at the time of the vote.

MOTION: Jill Kennedy moved the following amendment:

Page 3, Line 72: After "indicators" delete "of" and insert "including"

SUBSTITUTE MOTION: Lt. Governor Walker moved the following amendment:

Page 3, Line 72: At the beginning of line 72 insert "beginning in the 2001 - 2001 school year," and after "indicators" delete the remainder of line 72

Page 3, Line 73: Delete line 73

The substitute motion passed with Kim Burningham voting in opposition and with Senator Stephenson and Representative Garn absent at the time of the vote.

MOTION: Ila Rose Fife moved the following amendments:

Page 2, Line 52: After "requires" bracket "among other skills, memorization"

Page 2, Line 53: At the beginning of line 53 bracket "and"

Page 2, Line 53: After "mastery" delete "as defined under rules made by the State Board of Education."

Page 2, Line 53: After "functions" insert "as defined under rules made by the State Board of Education."

Page 2, Line 54: At the beginning of line 54, bracket "including" and insert "to include" and after "reading," bracket "spelling, basic" and insert "language arts."

The motion passed unanimously with Senator Stephenson and Representative Garn absent at the time of the vote.

MOTION: Senator Hale moved the following amendment:

Page 2, Line 59: After "Utah" delete "Student" and delete "USPAS" and insert "UPAS" and make conforming amendments in the bill

SUBSTITUTE MOTION: Kim Burningham moved to adopt "Utah Performance Assessment System of Students" as the name of the proposed assessment system and to make conforming amendments throughout the bill.

The motion passed unanimously with Senator Stephenson and Representative Garn absent at the time of the vote.

MOTION: Lt. Governor Olene Walker moved that any references to specific dates for assessment on pages 2 and 3 be deleted and that the language only reference a specific school year.

The motion passed unanimously with Representative Garn absent at the time of the vote.

MOTION: Senator Poulton moved the following amendments:

Page 3, Line 63: After "levels and" bracket "courses"

Page 3, Line 64: After "basic skill" bracket "areas of the core curriculum" and insert "courses"

The motion passed unanimously with Representative Garn absent at the time of the vote.

MOTION: Kim Burningham moved the following amendment:

Page 3, Line 83: After "develop" bracket "a testing" and insert "an assessment"

The motion passed unanimously with Representatives Garn and Rowan absent at the time of the vote.

MOTION: Linda Ogden moved the following amendment:

Page 3, Line 83: Delete "accurately" and insert "uniformly"

The motion passed unanimously with Representatives Garn and Rowan absent at the time of the vote.

MOTION: Jill Kennedy moved the following amendments:

Page 3, Line 81: After "writing assessment" delete "test"

Page 3, Line 93: After "writing" delete "test in language arts" and insert "assessment"

The motion passed unanimously with Representatives Garn and Rowan absent at the time of the vote.

MOTION: Senator Poulton moved the following amendment:

Page 4, Line 106: After "professional" insert "and other appropriate staff"

The motion passed unanimously with Representatives Garn, Alexander, and Morgan and Lt. Governor Walker absent at the time of the vote.

MOTION: Linda Ogden moved the following amendment:

Page 4, Line 105: After "test scores" delete "at the classroom level"

Rep. Rowan suggested that staff could rewrite this language so that it clearly refers to end of year scores. Senator Poulton said that it was critical for teachers and schools to have this information on a classroom level. Senator Stephenson said that professional educators would demand to have this information to be effective.

The motion failed with Senator Hale, Representative Shurtliff, Linda Ogden, and Ila Rose Fife voting in favor with Lt. Gov. Walker and Representatives Alexander and Morgan absent at the time of the vote.

MOTION: Kim Burningham moved the following amendment:

Page 4, Line 102: After "forms" insert "and test administration protocols"

The motion passed unanimously with Lt. Gov. Walker and Representatives Alexander and Morgan absent at the time of the vote.

MOTION: Ila Rose Fife moved the following amendment:

Page 4, Line 100: After "race," insert "gender"

The motion passed with Rep. Rowan voting in opposition and Lt. Gov. Walker and Representatives Alexander and Morgan absent at the time of the vote.

MOTION: Ila Rose Fife moved the following amendment:

Page 4, Line 103: After "category" insert "such as mobility, students with a disability, and limited English proficiency"

The motion passed unanimously with Lt. Gov. Walker, Senator Hale, and Representatives Alexander and Morgan absent at the time of the vote.

MOTION: Jill Kennedy moved that staff be given permission to make conforming amendments throughout the bill with regards to replacing "test" with "assessment." The motion passed unanimously with Lt. Gov. Walker, Senator Hale, and Representatives Alexander and Morgan absent at the time of the vote.

Senator Stephenson suggested that the results of standardized tests be included in student's grades. He said that some students do not take these tests seriously because "they do not count." Students would take these tests more seriously if they knew that they would count towards individual grades.

MOTION: Senator Stephenson moved that task force staff, in consultation with the State Office of Education, be directed to add to the draft bill a provision that scores on standardized tests be considered: (1) in determining a student's letter grade for that course; (2) in determining whether a student will advance to the next grade; and (3) the reporting of 10th grade competency results on the student's transcripts. The motion passed unanimously with Lt. Gov. Walker, Senator Hale, and Representatives Alexander and Morgan absent at the time of the vote.

MOTION: Ila Rose Fife moved that the task force request that the Legislative Fiscal Analyst prepare a fiscal note on the proposed legislation to be presented at the next task force meeting on November 15, 1999. The motion passed unanimously with Lt. Gov. Walker, Senator Hale, and Representatives Alexander and Morgan absent at the time of the vote.

MOTION: Kim Burningham moved the following amendment:

Page 5, Line 138: After "reporting" insert "of"

Page 5, Line 141: After "school" insert "and"

Page 5, Line 142: At the beginning of line 142 delete "and" and insert "or"

The motion passed unanimously with Lt. Gov. Walker, and Representatives Garn, Alexander, and Morgan absent at the time of the vote.

MOTION: Kim Burningham moved the following amendment:

Page 6, Lines 175 - 176: Delete lines 175 and 176.

The motion passed unanimously with Senator Stephenson, Lt. Gov. Walker, Senator Hale, and Representatives Alexander and Morgan absent at the time of the vote.

MOTION: Ila Rose Fife moved the following amendment:

Page 6, Lines 157 - 164: Delete lines 157 - 164

The motion failed with Ila Rose Fife voting in favor and Lt. Gov. Walker, Senator Hale, and Representatives Alexander and Morgan absent at the time of the vote.

MOTION: Jill Kennedy moved the following amendment:

Page 6, Line 184: After "school" insert "and per class"

The motion passed unanimously with Representatives Morgan and Garn absent for the vote.

MOTION: Lt. Gov. Walker moved that the data listed on pages 10 and 11 of the draft bill be reported for the last three years, rather than four years. The motion failed in the House and Senate with Kim Burningham, Lt. Governor Walker, Ila Rose Fife, Linda Ogden, Jill Kennedy,

Senator Hale and Representative Shurtliff voting in favor and Representatives Morgan and Garn absent for the vote.

Kim Burningham stated that the list of data indicators is too long. He suggested that the task force adopt a list of essential indicators, and that other indicators be reported at school district option. Superintendent Laing suggested that the districts may want to personalize each report with their own information.

Senator Poulton commented that certain reporting is essential for uniformity. Kim Burningham suggested that the assessment tools be reported; but beyond this, the task force needs to involve others in making this decision. Senator Poulton suggested that there are some indicators that we can all agree on, and then there are some optional data indicators.

Lt. Governor Walker suggested several items that should be optional including volunteer hours and course taking trends in secondary schools. She said that the task force may be mandating too much information for the average school board member and citizen.

Senator Stephenson commented that while some of the data indicators may not seem significant now, all of the indicators have been passionately recommended by professional educators. For example, if you start reporting tests scores, there will be pressure to get students not to take certain classes. So by reporting the enrollment trends in higher level courses, this will support children taking these higher level courses.

Linda Ogden said that this section is a "one size fits all" solution. Instead of this provision, the state should set the "must knows" and allow local districts to set the "should knows."

Senator Hale said that she agreed with the proposal to seek district input on the list of reported data indicators. The task force should focus on the "must knows" and then allow others to comment on other data indicators.

Representative Rowan suggested that staff should be asked to survey superintendents and the public on what data indicators could be included. This could be presented to the task force at its meeting next week.

MOTION: Kim Burningham moved that task force staff be directed to restructure the data indicator list to include: (1) a required list of data indicators; and (2) an optional list of data indicators. Staff should seek input in developing this list.

Ila Rose Fife suggested that staff also report on possible additional data indicators that could be included.

Senator Stephenson noted that the definitions and other administrative issues still need to be finalized over the next year. Some indicators are already specifically provided for in other sections of the proposed legislation.

SUBSTITUTE MOTION: Senator Hale moved the following:

Page 10, Line 281: After "report" delete "shall" and insert "may" and after "include" insert "upon recommendation of those listed in Section 14."

Representative Shurtliff commented that the very existence of this task force has affected the educational community. Some significant initiatives are occurring and we should not be disappointed that more action is not being taken.

Senator Poulton suggested that paragraphs (a) through (g) on page 10 be included in the required list.

The substitute motion failed with Senator Hale and Representative Shurtliff and Kim Burningham, Lt. Governor Walker, Ila Rose Fife, Linda Ogden, Jill Kennedy voting in favor with Representatives Garn, Alexander, and Morgan absent at the time of the vote.

Linda Ogden emphasized that local support for the task force's plan is critical.

Kim Burningham said that during the next interim the task force could solicit comment on these data elements from the education community.

The original motion passed with Senator Stephenson and Representative Rowan voting in opposition and Representatives Garn, Alexander, and Morgan absent at the time of the vote.

MOTION: Representative Shurtliff moved the following amendments:

Page 12, Line 369: Insert "on the further implementation of UPASS" and delete the remainder of line 369

Page 12, Line 370 to Page 13, Line 385: Delete these lines.

Representative Shurtliff suggested that the language in Section 14 will be controversial for some members of the Legislature and may impede the successful advancement of the bill through the Legislature.

Mr. Wilson suggested that the task force could accomplish the same intent by striking Section 14 of the draft bill.

Senator Stephenson said that by deleting this language the task force will be misleading the public. For example, the task force should openly indicate that it may spend its next year discussing issues such as social promotion. It is true that some of these issues are controversial, but it would be worse to remove these items from the draft bill. The task force does intend on discussing these issues next interim.

SUBSTITUTE MOTION: Kim Burningham moved the following amendments:

Page 12, Line 369: After "interim" delete "on" and insert "to include"

Page 13, Line 381: Delete line 381 and renumber the remaining subsections according

Senator Stephenson requested that the substitute motion be divided.

Part A: To eliminate Line 381.

Part A of the substitute motion passed with Senator Stephenson voting in opposition and Lt. Governor Walker and Representatives Alexander, Garn, and Morgan absent at the time of the vote.

Part B: Amendments on Line 369.

Part B of the substitute motion passed unanimously with Lt. Governor Walker and Representatives Alexander, Garn, and Morgan absent at the time of the vote.

MOTION: Representative Shurtliff moved that the task force establish subcommittees as part of its work next year. The motion passed unanimously with Lt. Governor Walker and Representatives Alexander, Garn, and Morgan absent at the time of the vote.

3. Other Business --

Task Force on Learning Standards and Accountability
in Public Education
November 8, 1999
Page 14

MOTION: Senator Poulton moved that the meeting be adjourned. The motion passed unanimously with Lt. Governor Walker and Representatives Alexander, Garn, and Morgan absent at the time of the vote.

The meeting adjourned at 4:08 p.m.